

SECOND REGULAR SESSION

# SENATE BILL NO. 839

98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WALLINGFORD.

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Pre-filed December 30, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4327S.01I

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## AN ACT

To repeal sections 340.210, 340.212, and 340.214, RSMo, and to enact in lieu thereof eleven new sections relating to certified euthanasia technicians.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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Section A. Sections 340.210, 340.212, and 340.214, RSMo, are repealed  
2 and eleven new sections enacted in lieu thereof, to be known as sections 340.210,  
3 340.212, 340.214, 340.500, 340.510, 340.520, 340.530, 340.540, 340.550, 340.555,  
4 and 340.560, to read as follows:

340.210. 1. The board shall adopt and have a common seal bearing the  
2 name "Missouri Veterinary Medical Board".

3 2. The powers of the board are granted to enable the board to effectively  
4 supervise the practice of veterinary medicine and to carry out the intent and  
5 provisions of sections 340.200 to 340.330 **and 340.500 to 340.560**, and, therefore,  
6 are to be construed liberally in order to accomplish such objectives.

7 3. Including, but not limited to, the board shall have the power to:

8 (1) Examine and determine the qualifications and fitness of applicants for  
9 a license to practice veterinary medicine in this state;

10 (2) Issue, renew, deny, suspend, revoke, or place on probation any license,  
11 certificate, authority or permit to practice or assist in the practice of veterinary  
12 medicine in this state, or to otherwise discipline or assess civil monetary  
13 penalties or order restitution, or other actions consistent with the provisions of  
14 sections 340.200 to 340.330 **and 340.500 to 340.560** and the rules adopted  
15 thereunder;

16 (3) Conduct investigations of complaints or other investigations as deemed  
17 necessary by the board for the purpose of discovering violations of sections  
18 340.200 to 340.330 **and 340.500 to 340.560**, or grounds for disciplining any

19 person licensed or regulated under sections 340.200 to 340.330 **and 340.500 to**  
20 **340.560**, and to contract for or appoint persons or committees to assist in such  
21 investigations;

22 (4) Hold hearings, issue subpoenas and take testimony bearing on the  
23 records of applicants for licensing or licensees who may be under consideration  
24 by the board for discipline and to issue final orders of the board on such matters  
25 that come before the board;

26 (5) Issue permits to and, upon complaint by any person, inspect any  
27 veterinary facility utilized by any practicing veterinarian or from which the  
28 practice of veterinary medicine is conducted. Such inspection shall not include  
29 any vehicle used in the practice of veterinary medicine, unless the board has  
30 received a complaint regarding such vehicle, then the board may inspect the  
31 vehicle. Such inspection shall be made by the board, a board member or other  
32 authorized representatives as appointed by the board. The results of the  
33 inspection shall be reported to the board, on forms prescribed by the board, the  
34 purpose of which shall be to ensure compliance with the provisions of sections  
35 340.200 to 340.330 **and 340.500 to 340.560**, or board rules promulgated  
36 thereunder for such facilities or for seeking disciplinary action in all instances  
37 where the board has reason to believe there are or may be violations of such  
38 provisions or rules;

39 (6) Provide registration for veterinary technicians, **euthanasia**  
40 **technicians**, temporary licensees and provisional licensees and to adopt rules  
41 concerning the training, supervision and service limits, and continuing education  
42 of such persons while employed or acting under the supervision of licensed  
43 veterinarians and to have exclusive jurisdiction in determining the eligibility and  
44 qualification requirements and in granting or refusing to grant any registration,  
45 certificate or license for any such person or to discipline any person so registered  
46 or licensed under the provisions of sections 340.200 to 340.330 **and 340.500 to**  
47 **340.560**, or by board rule;

48 (7) Fix by board rule minimum standards for, but not limited to, the  
49 practice of veterinary medicine, medical records, emergency services, radiological  
50 services, dispensed drug labeling, nursing care, veterinary facilities, sanitation  
51 and sterilization, veterinarian-client-patient relationships, and continuing  
52 education;

53 (8) Employ full- or part-time personnel, including an executive director,  
54 professional, clerical or special personnel as necessary to effectuate the provisions

55 of sections 340.200 to 340.330 **and 340.500 to 340.560** and to rent or purchase  
56 any necessary space, equipment and supplies within available appropriations;

57 (9) Establish fees necessary to administer the provisions of sections  
58 340.200 to 340.330 **and 340.500 to 340.560**;

59 (10) Authorize the chairman or vice chairman to sign complaints or  
60 referrals for proceedings before the administrative hearing commission or in a  
61 court of competent jurisdiction as necessary for the enforcement of sections  
62 340.200 to 340.330 **and 340.500 to 340.560**;

63 (11) Appoint from its own membership one or more members to act as  
64 representatives of the board at any meeting within or without the state when  
65 such representation is deemed desirable;

66 (12) Establish standing or ad hoc committees from its membership to  
67 facilitate its work effectively, fulfill its duties and to exercise its powers. Such  
68 committees must consist of at least two board members to transact business. Any  
69 business or action of the committee shall have no effect until and unless the  
70 business or action is ratified by a majority vote of the full board;

71 (13) Adopt, amend or repeal all rules necessary to carry into effect the  
72 provisions of sections 340.200 to 340.330 **and 340.500 to 340.560**, including, but  
73 not limited to, the establishment and publication of rules of professional conduct  
74 for the practice of veterinary medicine and such rules as it deems necessary to  
75 supervise the practice of veterinary medicine. Such rules must be published and  
76 made available upon request to persons licensed or registered under sections  
77 340.200 to 340.330 **and 340.500 to 340.560** at no cost and distributed at no cost  
78 to all applicants for licensing or registration under sections 340.200 to 340.330  
79 **and 340.500 to 340.560**. Any proposed rulemaking, revision or amendment  
80 thereto, shall be accomplished in accordance with the requirements and  
81 provisions of chapter 536;

82 (14) Assist the attorney general in any proper action to oust from practice  
83 unlawful practitioners or remove from practice licensed or registered persons in  
84 violation of any provision of sections 340.200 to 340.330 **and 340.500 to 340.560**  
85 or board rule and assist with any prosecution for criminal violations of sections  
86 340.200 to 340.330 **and 340.500 to 340.560**; and

87 (15) Enter into contracts with any entity, public or private, for the  
88 purpose of having examinations prepared, graded, evaluated, proctored, or for any  
89 other examination service deemed desirable or necessary by the board.

90 4. No rule or portion of a rule promulgated under the authority of this

91 chapter shall become effective unless it has been promulgated pursuant to the  
92 provisions of chapter 536.

340.212. 1. The board shall cause the executive director to prepare and  
2 maintain a written record of all board proceedings whether or not such  
3 proceedings are formal, informal, open or closed to the public. All records so  
4 prepared and maintained and other documents or reports incorporated therein  
5 shall be open to the public except where specifically required or allowed to be  
6 closed to the public pursuant to chapter 610.

7 2. Other provisions of section 324.001 to the contrary notwithstanding, the  
8 board shall publish a list of the names and addresses of all persons who hold  
9 licenses under the provisions of sections 340.200 to 340.330 **and 340.500 to**  
10 **340.560**, and shall publish a list of all persons whose licenses have been  
11 suspended, revoked, surrendered, restricted, denied, withheld, or otherwise  
12 disciplined, whether voluntarily or not. The board shall mail a copy of such list  
13 to any person, agency or professional association upon request and payment of a  
14 fee necessary for photocopying and postage as established by board rule. The  
15 board may forward such lists at no charge and upon its own motion for the  
16 purpose of voluntary interstate exchange of information or to other administrative  
17 or law enforcement agencies acting within the scope of their statutory authority,  
18 whether the same be interstate or intrastate.

19 3. Other provisions of section 324.001 to the contrary notwithstanding, the  
20 board shall prepare and make available to the public a report upon the final  
21 disciplinary actions taken by the board or denial of licensure. Such report shall  
22 set forth findings of fact, grounds for such denial or discipline, names of board  
23 members who were present, and any resulting order or directive of the board; the  
24 same to apply whether or not discipline or denial is voluntarily agreed to by the  
25 licensee or applicant. Whenever a person possessing a license voluntarily enters  
26 chemical or alcohol treatment and monitoring programs for purposes of  
27 rehabilitation by informal agreement with the board, the action shall not be  
28 reported with any other actions taken or agreed to between the board and the  
29 licensee or applicant.

30 4. Where the board does not recommend disciplinary action, a report  
31 stating that no action is recommended shall be prepared and forwarded to the  
32 complaining party and the licensee or applicant.

33 5. Members of the board or employees of the board shall be immune from  
34 any suit predicated on the publication of information, reports or lists required by

35 this section.

340.214. 1. All fees payable under the provisions of sections 340.200 to  
2 340.330 **and 340.500 to 340.560** shall be paid to and collected by the division of  
3 professional registration and transmitted to the department of revenue for deposit  
4 in the state treasury to the credit of a fund to be known as the "Veterinary  
5 Medical Board Fund", which is hereby created, and shall be subject to the  
6 appropriations of the general assembly.

7 2. Notwithstanding the provisions of section 33.080 to the contrary, money  
8 in the fund shall not be transferred and placed to the credit of the general  
9 revenue fund until the amount in the fund at the end of the biennium exceeds two  
10 times the amount of the appropriation from the board's funds for the preceding  
11 fiscal year or, if the board requires by rule permit renewal less frequently than  
12 yearly, then three times the appropriation from the board's funds for the  
13 preceding fiscal year. The amount, if any, in the fund which shall lapse is that  
14 amount in the fund which exceeds the appropriate multiple of the appropriations  
15 to the board for the preceding fiscal year.

16 3. The fees prescribed by sections 340.200 to 340.330 **and 340.500 to**  
17 **340.560** shall be exclusive, and notwithstanding any other provision of law, no  
18 municipality may require any person licensed under the provisions of sections  
19 340.200 to 340.330 **and 340.500 to 340.560** to furnish any bond, pass any  
20 examination, or pay any license fee or occupational tax relative to practicing his  
21 or her profession.

**340.500. As used in sections 340.500 to 340.560, the following**  
2 **terms shall mean:**

- 3 (1) "Board", the Missouri veterinary medical board;
- 4 (2) "Certified euthanasia technician", a person who has been  
5 certified by the board to administer controlled substances approved by  
6 the board for the purpose of euthanasia under the indirect supervision  
7 of a licensed veterinarian;
- 8 (3) "Euthanasia", the act or practice of putting an animal to death  
9 in a humane or instantaneous manner and shall be accomplished by a  
10 method specified as acceptable by the American Veterinary Medical  
11 Association Panel on Euthanasia and under guidelines and procedures  
12 established by rules promulgated by the board;
- 13 (4) "Immediate supervision", the licensed veterinarian is in the  
14 immediate area and within audible and visual range of the animal

15 patient and the person treating the patient;

16 (5) "Indirect supervision", the licensed veterinarian need not be  
17 on the premises but has given either written or oral instructions for the  
18 treatment of the animal patient or treatment protocol has been  
19 established and the animal has been examined by a licensed  
20 veterinarian at such times as acceptable veterinary medical practice  
21 requires consistent with the particular delegated health care task;

22 (6) "Licensed veterinarian", as defined in section 340.200;

23 (7) "Provisional license", as defined in section 340.200;

24 (8) "Registered veterinary technician", as defined in section  
25 340.200;

26 (9) "Unregistered assistant", as defined in section 340.200;

27 (10) "Veterinary candidate", as defined in section 340.200;

28 (11) "Veterinary student preceptee", as defined in section 340.200.

340.510. 1. No person shall administer controlled substances for  
2 the purposes of euthanizing an animal unless the person is a licensed  
3 veterinarian, certified euthanasia technician, registered veterinary  
4 technician, provisional licensee, veterinary medical candidate,  
5 veterinary student preceptee, or an unregistered assistant.

6 2. When administering controlled substances for the purposes of  
7 euthanasia certified euthanasia technicians, registered veterinary  
8 technicians, and provisional licensees shall be under the indirect  
9 supervision of a licensed veterinarian. Veterinary candidates,  
10 veterinary student preceptees, and unregistered assistants shall only  
11 administer controlled substances for the purpose of euthanasia under  
12 the immediate supervision of a licensed veterinarian.

13 3. A certified euthanasia technician shall have a written  
14 agreement with a licensed veterinarian specifying the veterinarian's  
15 intent to provide indirect supervision to the technician. Such  
16 agreement shall be filed with the board and shall require information  
17 as promulgated by rule.

340.520. 1. Any person who desires certification as a euthanasia  
2 technician shall submit an application for certification by examination  
3 to the board along with registration and examination fees as  
4 established by the board. Such application shall be on forms furnished  
5 by the board without charge.

6 2. Each application shall contain a statement that is made under

7 oath or affirmation that representations made therein are true, correct,  
8 and contain no material omissions of fact to the best knowledge and  
9 belief of the person making the application and whose signature shall  
10 be subscribed. Any person who knowingly submits false information,  
11 information intended to mislead the board, or omits a material fact on  
12 the application shall be subject to penalties provided for by the laws of  
13 this state for giving a false statement under oath or affirmation; such  
14 penalty is in addition to and not in lieu of any action which the board  
15 takes pursuant to the provisions of sections 340.200 to 340.330 and  
16 sections 340.500 to 340.560.

340.530. 1. The application shall be accompanied by satisfactory  
2 proof that the applicant:

- 3 (1) Is at least eighteen years of age;
- 4 (2) Is of good moral character;
- 5 (3) Is a citizen of the United States or is lawfully entitled to  
6 remain and work in the United States;
- 7 (4) Has not been convicted of a felony; and
- 8 (5) Has successfully completed the curriculum as required by the  
9 board.

10 2. The applicant shall furnish any other additional information  
11 and proof of a person's fitness and qualifications as required by the  
12 board.

13 3. The applicant shall submit an application and the registration  
14 and examination fees at least sixty days prior to taking the  
15 examination.

340.540. The board shall notify each applicant within sixty days  
2 of the examination the results of the examination. If all the other  
3 requirements of certification have been met, the board shall issue a  
4 certificate to an applicant who successfully completes the  
5 examination. The board shall record the certificate and hold the  
6 certificate until the applicant has submitted a written agreement  
7 between the applicant and a licensed veterinarian specifying the  
8 veterinarian's intent to provide indirect supervision over the  
9 applicant's euthanasia services. Upon receipt of the agreement, the  
10 board shall issue the certificate.

340.550. 1. A certificate issued to a certified euthanasia  
2 technician shall expire every two years, and shall be renewed as

3 established by rule.

4       2. At least sixty days prior to the expiration date, the board shall  
5 send a notice of renewal and an application for renewal to each  
6 certificate holder of record. Failure to receive the notice and  
7 application does not relieve any certificate holder of the duty to apply  
8 for renewal or to pay the necessary renewal fee, nor will it exempt the  
9 certificate holder from penalties provided by sections 340.200 to 340.330  
10 or sections 340.500 to 340.560 for failure to promptly renew the  
11 certificate.

12       3. A certificate holder has thirty days following the expiration  
13 date of the certificate to submit a renewal application and fees. After  
14 the thirty days, the certification shall be deemed noncurrent and the  
15 certificate holder shall not practice as a certified euthanasia technician  
16 until he or she applies for reinstatement and pays the required fees.

17       4. If a person is otherwise eligible to renew his or her certificate,  
18 such person may renew an expired certificate within two years of the  
19 date of expiration by submitting an application for renewal, payment  
20 of the renewal fee, payment of delinquent renewal fees, and payment  
21 of a penalty fee as established by the board. A certificate may not be  
22 renewed if two years have lapsed since the date the certificate  
23 expired. Such holder of an expired certificate shall make application  
24 for a new certificate.

      340.555. Any rule or portion of a rule, as that term is defined in  
2 section 536.010 that is created under the authority delegated in sections  
3 340.500 to 340.560 shall become effective only if it complies with and is  
4 subject to all of the provisions of chapter 536, and, if applicable, section  
5 536.028. This section and chapter 536 are nonseverable and if any of  
6 the powers vested with the general assembly pursuant to chapter 536,  
7 to review, to delay the effective date, or to disapprove and annul a rule  
8 are subsequently held unconstitutional, then the grant of rulemaking  
9 authority and any rule proposed or adopted after August 28, 2016, shall  
10 be invalid and void.

      340.560. The provisions and causes of actions as set forth under  
2 sections 340.264, 340.266, and 340.268 are applicable to certified  
3 euthanasia technicians in all respects.

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